

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
RICHARD W. NAGEL
CLERK OF COURT

15 OCT 26 PM 2:45

U.S. DISTRICT COURT
SOUTHERN DIST OHIO
WEST DIV CINCINNATI

IN THE MATTER OF THE APPLICATION
OF THE UNITED STATES OF AMERICA
FOR AN ORDER AUTHORIZING THE
INSTALLATION AND USE OF A
CONCEALED REMOTE CAMERA
OVERLOOKING THE ADDRESS RANGE OF
3420 THROUGH 3339 LEHMAN ROAD,
CINCINNATI, OHIO 45205

CASE NO.

1:15MJ -553

APPLICATION

(UNDER SEAL)

APPLICATION FOR INSTALLATION AND USE
OF CONCEALED REMOTE CAMERA

The United States of America, moving by and through AUSA Karl P. Kadon, its undersigned counsel, respectfully submits under seal this *ex parte* Application for an order pursuant to Title 28, United States Code, Section 1651, the All Writs Act, directing Duke Power to install, and allowing the United States government to use, a concealed utility-pole or remote camera outside and overlooking the address range of 3420 through 3339 Lehman Rd. Cincinnati, Ohio 45205.

In support of this Application, the United States asserts:

1. I am an attorney for the Government as defined in Rule 1(b)(1) of the Federal Rules of Criminal Procedure and therefore may apply for an order authorizing the installation and use of a concealed utility-pole or remote camera.

2. Special Agent Robert Kotarski of the Federal Bureau of Investigation (FBI) has represented to me that FBI is conducting a criminal investigation in connection with violations of Title 18, United States Code, Section 2339B. It is believed that the subjects of the investigation are using property and facilities located at and/or in the vicinity of the address range of 3420 through 3339 Lehman Rd. Cincinnati, Ohio 45205 in furtherance of said offenses; therefore, the

information likely to be obtained from said concealed utility-pole or remote camera is relevant to the ongoing criminal investigation.

3. Specifically, SA Robert Kotarski has represented to me the following: The FBI is conducting a criminal investigation of an Islamic State of Iraq and Levant (ISIL) sympathizer within the Southern District of Ohio and elsewhere. As part of the investigation, agents gathered intelligence that has led them to believe that the address range of 3420 through 3339 Lehman Rd. Cincinnati, Ohio 45205 is an integral part of the criminal activities.

4. Law enforcement believes, with evidentiary support, that the address range of 3420 through 3339 Lehman Rd. Cincinnati, Ohio 45205 is being used by THOMAS M. SCHMIDT, Twitter moniker: @tommypanaro in Cincinnati, Ohio, in the Southern District of Ohio. It is believed SCHMIDT is accessing his Twitter account in the vicinity of the given address range; 3420 through 3339 Lehman Rd. Cincinnati, Ohio 45205. However, agents have determined that due to the nature of the investigation, normal routine surveillance risks compromising the investigation due to historical criminal violence in the area and limited ingress/egress routes for vehicular surveillance units in the vicinity of said location. It has been determined the utilization of a remote camera is needed.

5. I submit, based upon representations by SA Robert Kotarski, that there are reasonable grounds to believe that the observations enabled by a utility-pole or remote camera will be relevant and material to the ongoing criminal investigation. I therefore request that the Court issue an order authorizing the installation and use of a remote camera overlooking the address range of 3420 through 3339 Lehman Rd. Cincinnati, Ohio 45205.

6. I further request that the order direct the furnishing of information, facilities, and technical assistance necessary to unobtrusively accomplish the installation and operation of said camera by Duke Power. Duke Power shall be compensated by the FBI for reasonable expenses incurred in complying with the order.

7. Applicant further requests that the Application and order be sealed until otherwise ordered by the Court, and that the order direct Duke Power, the FBI, and their agents and employees not to disclose, to any person, the existence of the Application, Order, or of the investigation unless or until otherwise ordered by the Court.

8. WHEREFORE, it is respectfully requested that the Court enter an order: (1) authorizing the installation and use of a concealed utility-pole or remote camera overlooking the address range of 3420 through 3339 Lehman Rd. Cincinnati, Ohio 45205; (2) directing Duke Power to furnish agents of the FBI with all information, facilities, and technical assistance necessary to accomplish the unobtrusive installation and operation of said camera; and (3) sealing this Application and the Court's order.

I assert, based upon representations made to me by SA Robert Kotarski, that the foregoing is true and correct.

Executed this 26th day of October, 2015.

Respectfully submitted,

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